

**PATENT APPLICATION DECLARATION AND POWER OF ATTORNEY**

I HEREBY DECLARE THAT:

My residence, mailing address, and citizenship are as stated next to my name in PART A on page 2 hereof.

I believe I am the original, first, and sole inventor (if only one name is listed) or an original, first, and joint inventor (if plural names are listed) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD OF TREATMENT OF MYOCARDIAL INFARCTION

the specification of which:

— is attached hereto;
X was filed on March 15, 2004 as Application Serial No. 10/801,050
_____ and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to herein.

I acknowledge the duty to disclose information to the Patent and Trademark Office known to me to be material to the patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56.

I hereby claim foreign priority benefits under 35 United States Code, Sec. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed in PART B on page 2 hereof and have also identified in PART B on page 2 hereof any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

I hereby claim the benefit under Title 35, United States Code, Sec. 119(e) or 120 of any United States application(s), or PCT international application(s) designating the United States of America, listed in PART C of page 2 hereof and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Sec. 112, I acknowledge the duty to disclose all information to the Patent and Trademark Office known to me to be material to patentability of this application, as defined in Title 37, Code of Federal Regulations, Sec. 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following as my attorneys or agents with full power of substitution to prosecute this application and transact all business in the United States Patent and Trademark Office connected therewith:

Michael A. Hierl	Reg. No. 29,807	Arne M. Olson	Reg. No. 30,203
Dolores T. Kenney	Reg. No. 31,269	Talivaldis Cepuritis	Reg. No. 20,818
Daniel J. Deneufbourg	Reg. No. 33,675	Seymour Rothstein	Reg. No. 19,369
Joseph M. Kuo	Reg. No. 38,943	David A. Gottardo	Reg. No. 46,736
Martin J. Corn	Reg. No. 35,847	Robert J. Ross	Reg. No. 45,058
John W. Klooster	Reg. No. 18,953		

whose mailing address for this application is: **OLSON & HIERL, LTD.**
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
Telephone: (312) 580-1180

See Page 2 attached, signed, and made a part hereof.

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PART A: Inventor Information and Signature

Full name of SOLE or FIRST inventor David A. CHERESH
 Citizenship United States Residence 3277 Lone Hill Lane
Eucinitas, CA 92024
 Mailing Address (If different) _____

Inventor's signature:  Date: 5/13/04

Full name of SECOND joint inventor, if any Robert PAUL
 Citizenship German Residence Bruderhofstr. 9
81371, Munich, GERMANY
 Mailing Address (If different) _____

Second Inventor's signature: _____ Date: _____

Full name of THIRD joint inventor, if any Brian ELICEIRI
 Citizenship United States Residence 3104 Hataca Road
Carlsbad, CA 92009
 Mailing Address (If different) _____

Third Inventor's signature: _____ Date: _____

PART B: Prior Foreign Application(s)

<u>Serial No.</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>	<u>Priority Claimed</u>
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

PART C: Claim for Benefit of Filing Date of Earlier U.S. Application(s) or PCT International Application(s) Designating the United States of America

<u>Serial No.</u>	<u>Filing Date</u>	<u>Status:</u>
PCT/US03/37653	11/18/03	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
10/298,377	11/18/02	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
09/538,248	03/29/00	<input type="checkbox"/> Patented <input checked="" type="checkbox"/> Pending <input type="checkbox"/> Abandoned
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Carlsbad, CA 92009
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Third Inventor's signature: B. Eliceiri Date: 5-12-04

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